

**REGULAR COUNCIL MEETING
CITY OF COLUMBIANA, ALABAMA
October 17, 2017**

The City Council of the City of Columbiana, Alabama met in a Regular Session in the Council Chambers of Columbiana City Hall at 6:00 p.m., Tuesday October 17, 2017. Mayor Stancil Handley called the meeting to order and asked City Clerk, Mark Frey, to call roll after the invocation and pledge.

Present: Council member Leslie Whiting Council member Barbara Moore
 Council member Ricky Ruston Council member Kim King
 Council member Ouida Mayfield Mayor Stancil Handley

Absent: None

The Mayor declared a quorum was present.

CONSENT AGENGA

- A. Approval of Minutes 10-03-2017 Regular Meeting
- B. Reappointing of Billy Jones to the Columbiana Library Board – Term to expire on 10/01/2021
- C. Authorizing the purchase of the following items for Administration as noted in the FY2018 Budget:
 - iPad up to \$1000
 - Thermostats up to \$3000
- D. Authorizing the purchase of the following items for Library as noted in the FY2018 Budget:
 - Computer & Monitor: \$1200.01
- E. Authorizing the purchase of the following items for Environmental Services as noted in the FY2018 Budget:
 - Trailer for excavator: \$4,450.00
 - Bush Hog for excavator: \$5,800.00
 - Forks for Bobcat Loader: \$1,100.00

Council member Whiting made a motion to accept the Consent agenda, with the minutes from the 10-16-2017 Work Session removed, which was seconded by Council member Mayfield and unanimously passed by a vote of all members present. 10-16-2017 minutes will be approved at the November 7th council meeting.

GUEST – MISTY BAILEY

Mrs. Bailey introduced two of the girls from the Troop 562. They requested the use of the Rec Center for a Blood Drive on November 4th. The Council voted unanimously to approve the use of the Rec building for the Blood Drive at no charge for the Scout Troop so long as it was available.

DEPARTMENT HEAD REPORTS

- **Library** – Interim Library Director, Sheila Gallups reported that they plan on adding a password on the WIFI at the Library in order to increase security. The home school program continues, but has not had a large participation. The upcoming movie day will feature Transformers – The Last Knight.
- **Fire Department** – Fire Chief Johnny Howard Jr. reported that everything is business as usual. The Fire Department has been working on the fire safety plans for the schools and churches. The

fire truck is still at EEP being repaired and the large roll up door is being repaired at the station. They have found a ladder truck on GovDeals and they plan on traveling to take a look at it.

- **Police Department** – Chief Lamar Vick stated that his department is losing a dispatcher who is getting married and Officer Mark Robinson will be leaving at the end of the month. The Chief has been pricing the new police cruiser that was approved in the FY2018 budget. Chief Vick thanked the Baptist Church and Nazarene Church for their luncheon’s honoring First Responders.
- **Administration** – City Clerk Mark Frey reported that he and his staff have been working with the City Auditor and gathering data for the 2017 audit.
- **Streets and Maintenance** – Allen Reynolds reported that his guys have been getting the fall / Halloween decorations out around town.
- **Environmental Services** – Dale Lucas reported that the force main is in place and was tied in today. The pit for the lift station is close to completion and everything is going good on the project at the plant. Dale and Chris will be attending the SSO update in Alexander City.

Council member Ruston introduced:

**RESOLUTION 10-17-04
AUTHORIZATION TO SUBMIT APPLICATION FOR
2018 SHELBY COUNTY SENIOR CENTER GRANT**

WHEREAS, the Shelby County Commission has appropriated \$26,000.00 for the Senior Center Grant Program, and

WHEREAS, the City of Columbiana has the opportunity to submit an application for a grant of up to \$2,000.00 or provide assistance to the Columbiana Senior Center in sustaining activities, services, programs and to promote health, wellness, educational, and recreational opportunities to area seniors, and there are no City matching fund requirements for this grant.

NOW, THEREFORE, BE IT RESOLVED by the Columbiana City Council, the Council hereby authorizes Ali Payne, under the direction of Mayor Stancil Handley or City Clerk J. Mark Frey, to submit an application for the 2018 Shelby County Senior Center grant.

THEREUPON Council member Mayfield moved and Council member Whiting seconded the motion that said resolution be given vote, and said resolution passed by vote of all members of the Council, and the Mayor declared the same passed.

ADOPTED this the 17th day of October, 2017.

RESOLUTION 10-17-03

WHEREAS, the City of Columbiana, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made within the City Limits of Columbiana, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: ACAA61025 -ATRP (012) Widening, Resurfacing, CR-28 from Joint East of Arlington Street in Columbiana, East to SR-145.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of Columbiana that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and

Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

- N/A- This project does not require permanent barricade or relocation of any intersecting streets.
- Please refer to: Project Notes (Sheets 2B-2E)
- Please refer to: Traffic Control Plan Notes (Sheets 2F-2J)
- Please refer to: Sequence of Construction and Traffic Control Plan (Sheets 10-13)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

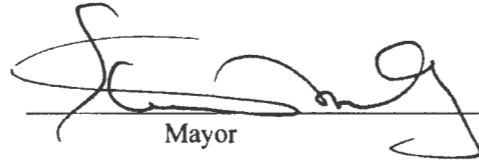
It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this the 17th day of October, 2017.

ATTEST




City Clerk



Mayor

I, the undersigned, Clerk of the City of Columbiana, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the Council of the foregoing City, at its regular meeting held on the 17th day of October, 2017, which resolution is on file in the office of the City Clerk.

Given under my hand and the official seal of such City of Columbiana 17th this 17th day of October, 2017

City Clerk

Council member Mayfield introduced:

**RESOLUTION 10-17-05
DONATION OF MATCHING FUNDS TO CLASTRAN**

WHEREAS, the City of Columbiana recognizes the benefit of supporting our senior citizens and their transportation needs the City Council has determined that a public purpose is served by contributing matching funds to aid in the operation of ClasTran.

BE IT RESOLVED that the City of Columbiana, upon the recommendation of the Council, hereby authorizes the payment of \$4,000.00 to ClasTran to be used in aiding in the transportation of the senior citizens of the City of Columbiana.

Passed, adopted and approved this 17th day of October 2017.

Mayor Handley asked City Clerk Frey to discuss the following Ordinance:

ORDINANCE 10-17-07

**AN ORDINANCE AMENDING BUSINESS LICENSE CODE ORDINANCE NO. 09-13-02
CONCERNING CERTAIN DELIVERY LICENSES**

WHEREAS, the Mayor and Council of the City of Columbiana, Alabama, have deemed it necessary, proper, and for the benefit of the City to amend Ordinance No. 09-13-02 as previously amended (“Business License Code”) to bring it into conformity with newly enacted Alabama Act 2017-415, which revised the laws concerning municipal delivery licenses;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, AS FOLLOWS:

Section 1. That Ordinance No. 09-13-02, as amended, is hereby further amended so that Section 29 states as follows:

“Sec. 29. Delivery License.

(a) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus an issuance fee not to exceed \$10 a delivery license for the privilege of delivering its merchandise in the municipality if the taxpayer meets all of the following criteria:

- (1) Other than deliveries, the taxpayer has no other physical presence within the municipality;
- (2) The taxpayer conducts no other business in the municipality other than

delivering merchandise and performing the requisite set-up and installation of said merchandise;

(3) Such delivery, set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer;

(4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars (\$75,000) during the license year;

(5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered.

(6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within 45 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase a business delivery license or other appropriate license from the municipality plus pay a penalty of \$10.

(b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax or a delivery license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding subsection if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.

(c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.

(d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.

(e) The purchase of a delivery license or the exemption from the purchase of a delivery license pursuant to subsection (f) shall not, in and of itself, establish nexus between the

taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama 1975 as amended or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

(f) A taxpayer that otherwise meets the criteria for the purchase of a delivery license pursuant to this section is not required to purchase a delivery license or a regular business license if the following criteria apply:

(1) The taxpayer's gross receipts that are derived from within the municipality do not exceed \$10,000 during the year; and

(2) The taxpayer has no other physical presence within the municipality during the year."

Section 2. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 3. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon its adoption as provided by law.

This was a first reading and will be presented for consideration at the next Council meeting.

UPDATE ABATEMENTS

No Updates

MAYOR'S REPORT

- Owens House location is requesting property that is owned by the City behind them for expansion.
- Hwy 26 / 70 intersection is delayed due to difficulty in getting light poles
- There was some discussion about the garbage service and the need for all residents to participate.

- The Road Warrior Can-Am ride in event is planned for the 25th of October.

ANNOUNCEMENTS

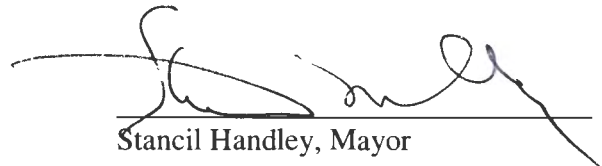
- Austin Rush is slowly recovering from his injuries.

PUBLIC COMMENT

- None

There being no further business, Council member Whiting moved that the meeting be adjourned which was seconded by Council member King. The motion passed by vote of all members of the Council present. Mayor Handley declared the meeting adjourned at 7:27 p.m.


J. Mark Frey, City Clerk


Stancil Handley, Mayor

